

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

United States

: No: 19-CR- 140

FILED
SCRANTON

v.
Keith Dougherty,
Docson Consulting LLC
Defendants,

JUN 04 2019

PER - CM DEPUTY CLERK

Letter to the Court demand for [*pro se* access] to the
“retaliatory indictment scheme” [the West Virginian DA] “does not wish to
be contacted” [per Video] Conference (statement);

At the Arraignment (hearing) [demanded by the Public Defender
Supervisor]... nothing was “accomplished”... other than an expression of
“frustration by the DA From West Virginia”?

As an Aside: “there is a difference with SEC/Tax Law & other
laws”... Just as there is a “difference”... [in] “constitutional
protections”... for “one’s self”... and “the community as a whole”...
Borough of Duryea, Pa. v. Guarnieri 131 S. Ct. 2488, 564 US 379,
180 L. Ed. 2d 408 (2011);

“your circuit analysis” [continually reversed] is “embarrassing”...

The District Court found that Heffernan had not engaged in any “First
Amendment conduct,” 2 F. Supp. 3d 563, 580 (NJ 2014); and, for that
reason, the respondents had not deprived him of any constitutionally
protected right. The Court of Appeals for the Third Circuit affirmed. It
wrote that “a free-speech retaliation claim is actionable under §1983
only where the adverse action at issue was prompted by an
employee’s actual, rather than perceived, exercise of constitutional

rights.” 777 F. 3d 147, 153 (2015) (citing Ambrose v. Robinson, 303 F. 3d 488, 496 (CA3 2002); emphasis added). Slip OP. p. 3; HEFFERNAN v. CITY OF PATERSON 578 U. S. ____ (2016);

“Reversed 18 Times in a row”... on “Supreme Court Precedent”;

The SEC “violation”... [as a] TACTIC... is to “elevate Prosecutors”... to the Position of Cromwell... [and his “protector privy council”]...

DA Free/Judge Ebert “criminals”; see [Runk Information] in light of Erie v. Lake 671 A.2d 681 (PA 1996);

“the crimes are impossible under the *ex post facto* clause”... Sveen v. Melin.

Around or About 2003 Keith Dougherty CFP® provided a “detailed explanation”... for American Express Finacial Advisors [at the time the largest employers] of CFP®’s in the world;

After Review “the CEO” agreed to sell, and pay a \$400+ Millions [of] Dollars [in an] SEC Settlement “without admitting any guilt”... due to the potential damage to the “Blue Box”... there is no Magic Bullet because of EGTRRA;

As an Example [[here] they [[the] state courts] “manipulate PA 506 “to say””... if the DA Says “it is not a crime”... [only then] there “must be a Common Pleas Court Trial”... but “if the Prosecutor is clever”... and says “it is a crime”... but “we do not have the resources to prosecute”.... It is a DACA [Obama] “outcome”;... again “were it not for taxes and SEC [across state lines] “DA Free could get away with it””; ... Just like if Keith Dougherty did not “file the Well Regulated Militia”... “registration”... you might be able to get away “with the indictment” (there would still be no crime); Just 3 Terms ago “the 3rd Cir said”... a “private health provider in [a] prison”... had no “qualified immunity”... they are “Idiots, morons and thieves”... [reversed] 2 times in the same term on the “subject of Qualified Immunity”... Just like their insistent refernce to Rook-Feldman... [as] Morons;

Petitioners moved for summary judgment on the ground that they were entitled to qualified immunity, but the District Court denied the motion. *Barkes v. First Correctional Medical, Inc.*, 2012 WL 2914915, *8-*12 (D Del., July 17, 2012). *TAYLOR v. BARKES* 575 U. S. ____ (2015); Per Curiam

Before: AMBRO, FISHER and HARDIMAN, Circuit Judges.

FCM entered into a Health Care Services Contract with DOC on June 17, 2002, and was the contracted medical provider at HRYCI at the time of Barkes's suicide. [766 F.3d 312]

[“for profit bad”!!!]

[who was “the [DE] (Federal District Court) judge”?]

Stipulation

28 USC 1652 “requires”... the Federal Court to enforce the PA Constitution; [and [under] the] William Penn “defense”;

Not as the “PA Gerrymandering Case would have you believe”???

Keith Dougherty has a “right to act as a private prosecutor”... to “indict DA Free”... et al;

A Well Regulated Militia... predates the Constitution “to ensure a Free State”... as under Lord Camden’s Treatise on Trespass...

Once again “the local customs” have tried to “invalidate”... the PA Private Criminal Process... by 1623 “perjury”... [as a tactic] that would “otherwise be legal”... if it were “not for the subject matter”... Eminent Domain, & Taxes are by “strict scrutiny”...1928; and *Lorenzo v. SEC* “could not be more clear”... [the defendants] are *Shaw v. US* Kind of Stupid... they “knowing and falsely indicted Keith Dougherty in a retaliatory arrest scheme”... without regard for the Bank, Docson Consulting LLC... Hobbs Act Crime... by Conspiracy...

Keeping in Mind the entire West Virginal Supreme Court was “impeached last year”... and just the other Day [the] Chief Justice “reported for Federal Prison”:

Additionally in the Recent Past “the PA Supreme Court was replete with Scandal”... causing a radical “shift to the progressive left”... Resulting [in the] First “elected Female [Democrat] going to jail”... due to Grand Jury violations and the “Gerrymandering Case” [that believe it or not was conducted] by Jordon [DE], Conner, & Simandle[NJ] “with an absurd result”

This case “demands recognition”... of “the Congressional Necessary and Proper Powers” clearly rejected by the Conestoga Woods Specialties En Banc Panel 13-1144 (3rd Cir 7/26/2013);

Citing from the Reversal of the Court;

In holding that Conestoga, as a “secular, for-profit corporation,” lacks RFRA protection, the Third Circuit wrote as follows:

“General business corporations do not, separate and apart from the actions or belief systems of their individual owners or employees, exercise religion. They do not pray, worship, observe sacraments or take other religiously-motivated actions separate and apart from the intention and direction of their individual actors.” 724 F. 3d, at 385 (emphasis added).

All of this is true—but quite beside the point. Corporations, “separate and apart from” the human beings who own, run, and are employed by them, cannot do anything at all. Slip Op. Pp. 18-19;

(b), and RFRA itself does not define the term “person.” We therefore look to the Dictionary Act, which we must consult “[i]n determining the meaning of any Act of Congress, unless the context indicates otherwise.” 1 U. S. C. §1.

Under the Dictionary Act, “the wor[d] ‘person’ . . . include[s] corporations, companies, associations, firms, partnerships, societies, and joint stock companies, as well as individuals.” *Ibid.*; see FCC v. AT&T Inc., 562 U. S. ___, ___ (2011) (slip op., at 6) (“We have no

doubt that ‘person,’ in a legal setting, often refers to artificial entities. The Dictionary Act makes that clear”). Thus, unless there is something about the RFRA context that “indicates otherwise,” the Dictionary Act provides a quick, clear, and affirmative answer to the question whether the companies involved in these cases may be heard.

BURWELL v. HOBBY LOBBY STORES, INC. 573 U. S. ____ (2014);

“consistent hatred for business owners”...

I do not want to hear any “reference to Simbraw v. US” and or its “progeny Walacavage v. Excell 2000” unless “issuing a permanent injunction”... Nielson v. Preap....

The 3rd Cir and all of its “lower courts”... are an Inferior Tribunal;

IN Fact Under Ashwander... “you have no authority”... to [reference] Simbraw v. US”... after being Struck Down by United Mine Workers v. Illinois Bar Assn p. 222; (1967);

RFRA and 28 USC 1654 “are constitutionally identical”... a Federal Statute “involving one of the Constitutional Protections and or First 10 Amendments”;

Timbs v. Indiana; “there can be no daylight”...

So “the issue for Nielson v. Preap relief”... is “Declaration of 28 USC 2071 “violation in the 3rd Cir “voiding all of your local rules”;

The Rules Enabling Act “is complex”... controlled “exclusively by Congress”... because the “inferior Tribunals are created under Article I SEC 8”;

When Congress repealed 28 USC 2076 “[previously] allowing the 331 Rules Committee to make suggestions to the Supreme Court about Rules of Evidence”... they could not have been more clear;

Additionally they could not be More clear; in the 18 USC 2076; “criminalizing” that Jordon says “do not worry because we have 55(c) [then

amended by the 12/1/2015 Amendment] ignored “in this circuit” [the case is clear] Peter Welsh “is a criminal at the behest of the chiefs”... and “there is no prosecutorial discretion as in DACA”... “it is a crime repeated in ever District Court of the 3rd Cir “and never enforced”... as now “mandated”... NUTRACEUTICAL CORP. v. LAMBERT 586 U. S. ____ (2019); “it is for this reason Judge Conti “took senior status”... [here conduct has been Hobbs Act Criminal”... for which there is no “judicial immunity”...

Committee Notes on Rules—2015 Amendment

Rule 55(c) is amended to make plain the interplay between Rules 54(b), 55(c), and 60(b). A default judgment that does not dispose of all of the claims among all parties is not a final judgment unless the court directs entry of final judgment under Rule 54(b). Until final judgment is entered, Rule 54(b) allows revision of the default judgment at any time. The demanding standards set by Rule 60(b) apply only in seeking relief from a final judgment.

“petition for *coram nobis*” as required in PA’s Frame of Government 1682; Article VI; “where the retaliatory prosecution scheme “against a PA Securities Firm”... is “specifically to “chill the petition clause rights of Keith Dougherty”... as an [attainder by coordinated judicial fiat];

Statutes 28 USC 331, 332;
28 USC 46;
28 USC 2071, 2072, 2073, 2074, 2075, 2077;
28 USC 1652, 28 USC 1654;

PA Statute “UTPCTL” (definition of person) Lorenzo v. SEC [defines] “scheme or tactic”;

Further, the statute defines “person” as “natural persons, corporations, trusts, partnerships, incorporated or unincorporated associations and any other legal entities.” (e. g. “the Middle District of PA [Bivens]); That term is employed to describe both the alleged victims and purported violators of the statute. 73 P.S. §201-2(2).

887 F. 3d 1081, affirmed.

THOMAS, J., delivered the opinion for a unanimous Court.

[in false claims actions ... “a private person, known as a realtor, may bring a *qui tam* civil action for the person and for the United States Government” against the false claimant, “in the name of the government”... Slip. Op. p. 2; COCHISE CONSULTANCY, INC. v. UNITED STATES EX REL. HUNT 587 U. S. ____ (2019);

Taylor (2016) says “even if the underlying commerce is illegal”... [presuming the IRS still wants its “taxes”] See Elliot Ness and the Al Capone “prosecutions” (RICO “Conspiracy” Takedown)!

In all but the most unusual situations, a single use of a statutory phrase must have a fixed meaning. See Ratzlaf v. United States, 510 U. S. 135, 143 (1994). We therefore avoid interpretations that would “attribute different meanings to the same phrase.” Reno v. Bossier Parish School Bd., 528 U. S. 320, 329 (2000). Slip Op. p. 5;

“mandatory claims processing rules”; or “corporations under the diversity statute”... and “under the self-representation statute”... incorporating one of the First 10 Amendments “where there is no daylight”...

NUTRACEUTICAL CORP. v. LAMBERT 586 U. S. ____ (2019) “are unalterable and must be enforced when properly invoked” (even if “they are not jurisdictional” (and the 875/876 [RICO] “claims are legally impossible”);

Just as in Taggart “avers Lawyers [should be given] Qualified immunity” [all CEO’s of “well-regulated militia(s)”... [already] have “petition and speech protection” (they cannot be indicted)]

22 This categorical rule would adopt a

23 profoundly atextual qualified-immunity-like
24 defense for the code, declaring that courts can
never provide relief so long as a creditor can
1 identify any fair, reasonable ground for
2 violating the discharge.
3 This novel proposal has no foothold in
4 this Court's traditional principles for
enforcing injunctions or the code's --the
6 code's broad equitable authority under Section
7 105.
8 There is no per se rule that excuses
9 subjective or objective mistakes under the
code. Section 105 provides broad authority to
11 enforce and restore the statutory discharge,
12 and the code bars all efforts to collect
13 discharged debts, not only unreasonable ones.

Pp. 3-4 No. 18-489 Taggart v. SHELLEY A.
LORENZEN, EXECUTOR OF THE ESTATE OF
STUART BROWN, ET AL.,

At least "in Taggart... they are openly admitting" [they (all attorneys)] seek "qualified immunity"... for being "incompetent";

This Case "seeks to impose Federalist 78"... because "PA is Unique in the 50 States"... through 28 USC 1652 "they have removed [any] and all discretion"... from "any court"... and no one like Keith Dougherty saying that "in any petition"...

We will Enforce the PA Constitution because of the 9th and 10th Amendments;

Unlike NFIB "only the General Assembly Intent"... to retain the English Common Law as well as all PA Provincial Law.... Matters;

See PA Title 1 1503/1978 [relying on the 1928 List];

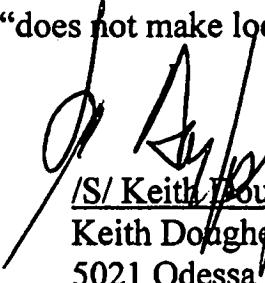
Because "the middle district of PA"... has "refused to provide open comment"... "all of its local rules are void"... not merely voidable;

(a) The Supreme Court and all courts established by Act of Congress may from time to time prescribe rules for the conduct of their business. Such rules shall be consistent with Acts of Congress and rules of practice and procedure prescribed under section 2072 of this title.

(b) Any rule prescribed by a court, other than the Supreme Court, under subsection (a) shall be prescribed only after giving appropriate public notice and an opportunity for comment....

As the “current [local rule] order lists “approval of the [District] Judges””... and is dated 12/1/2014 “it is [clearly] void”!

28 USC 2071 “does not make local [rule] committees a separate Legislature”;


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Certification of Service

I Keith Dougherty do hereby certify a copy of the foregoing has been served by ECF & Electronic Means [to all of those who may be interested and have failed to “enter appearance and plead for themselves”] where available;

/S/ Keith Dougherty

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The Honorable Christopher J. Burke
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EX-15

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